

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

YUSUF BILAAL, aka DANIEL P. MCKINNEY,) Case No. 3:05CV1733
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Petitioner,)
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vs.) JUDGE ANN ALDRICH
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ERNIE MOORE, WARDEN,) Magistrate Judge George J. Limbert
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Respondent.) <u>MEMORANDUM AND ORDER</u>

On July 6, 2005, Petitioner Yusuf Bilaal (“Bilaal”) filed a petition for writ of habeas corpus (Doc. No. 1.) pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his state court jury trial conviction. This court referred the case to Magistrate Judge George J. Limbert for preparation of a Report and Recommendation. Both parties filed briefs in support of their respective positions. Judge Limbert then submitted his Report and Recommendation on August 8, 2006, recommending that Bilaal’s petition for habeas corpus under 28 U.S.C. § 2254 be denied and dismissed in its entirety with prejudice and that other pending pre-trial motions (Doc. No. 37, 38, 39, 40, 41, 42, 44) be denied on mootness grounds. (Doc. No. 45.). Bilaal filed objections to the Report and Recommendation on September 11, 2006. (Doc. No. 47.).

The court finds, after careful *de novo* review of the Magistrate Judge’s Report and Recommendation and all other relevant documents, that the Magistrate Judge’s conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge’s Report and Recommendation. Bilaal’s petition for a writ of habeas

corpus is hereby denied. The court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: **March 7, 2007**